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*Ref.: Call for inputs on the protection against violence and discrimination based on sexual orientation and gender identity, in relation to the human rights to freedom of expression, association and assembly*

It is with great honour and appreciation that the **Sexuality Policy Watch - ABIA**; the **National Association of Travestis and Transsexuals (ANTRA)**; the **Human Rights and LGBT+ Citizenship Research Group at Universidade Federal de Minas Gerais (NUH/UFMG)**; **Public Defender's Office of the State of Paraná/Brazil**, a permanent institution essential to the jurisdictional function of the Brazilian State, responsible for the promotion of human rights and

the defence of individual and collective rights (article 134 of the Brazilian Constitution and Complementary Federal Law no. 80/1994), through its **Specialised Nucleus on Citizenship and Human Rights**; the **Human Rights Systems Center at Universidade Federal do Paraná (NESIDH/UFPR)**; the **National Association of Jurists for the Human Rights of Lesbians, Gays, Bisexuals, Transvestites, Transsexuals, Transgender, and Intersex individuals (ANAJUDH-LGBTI)**; **Ação Educativa**; the **Coalition Against Ultraconservatism in Education**; the **Professores contra o Escola sem Partido**; **Conectas Direitos Humanos**; the **Brazilian Campaign for the Right to Education**; the **Dhesc Platform** and the **Ombudswoman for the Public Defender's Office of the State of Paraná/Brazil** hereby offer their submission on matters related to the promotion and enjoyment of freedom of expression, association and assembly in relation to the protection against violence and discrimination based on sexual orientation and gender identity in Brazil, as a contribution to the forthcoming thematic report of the Independent Expert on Sexual Orientation and Gender Identity and Expression to be presented at the 56th session of the United Nations Human Rights Council.

## I. **Context: Violence and the detrimental effects of anti-gender politics**

Approximately 7 to 9% of its population (roughly 10 to 15 million) self-identify as part of the LGBT+ community.<sup>1</sup> In 2022, 273 LGBTI+ persons were violently murdered, a number that corresponds to roughly one violent murder every 32 hours.<sup>2</sup> This makes Brazil one of the countries with the highest numbers of LGBTI+ murders in the world in 2022, as it has happened for many years now. In 2022, the states with the highest numbers of LGBTQIA+ murders were Ceará,

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<sup>1</sup> Datafolha (2023), *Pesquisa do Orgulho*. Available at: <https://d9kmngv9gxhb0.cloudfront.net/static/pesquisadoorgulho.pdf>. Accessed on 17 January 2024; Spizzirri, Giancarlo et al. (2022), "Proportion of ALGBT adult Brazilians, sociodemographic characteristics, and self-reported violence", *Scientific Reports*, 12: 11176.

<sup>2</sup> *Acontece Arte e Política LGBTI+*; ANTRA (Associação Nacional de Travestis e Transexuais); ABGLT (Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis, Transexuais e Intersexos) (2023), *Mortes e violências contra LGBTI+ no Brasil: Dossiê 2022*, Florianópolis: Acontece, Antra, ABGLT. Available at: <https://observatoriomorteseviolenciaslgbtibrasil.org/dossie/mortes-lgbt-2022/>. Accessed 17 January 2024.

Pernambuco, Alagoas, Minas Gerais<sup>3</sup> and Pará.<sup>4</sup> It is estimated that LGBTI+ persons are 2.52 times more likely to suffer physical violence<sup>5</sup> than others - in 2022, 2,324 LGBTI+ persons were victims of physical assault.<sup>6</sup> And, even though the country's legal and normative frame adamantly condemn discrimination, 65% percent of LGBTI+ persons declare to be afraid of holding hands in public.<sup>7</sup>

In relation to trans persons, Brazil has been the country with the highest number of trans murders for 15 years now, with an average of 126 trans murders every year between 2008 and 2023. In 2023 alone, 145 trans persons were murdered, approximately two murders every five days.<sup>8</sup> The threat of violence operates as a form of coercion because it makes LGBTI+ persons scared and insecure in publicly expressing their sexual orientation and gender identity, particularly in small urban areas and the countryside where religious traditional values are pervasive.

As analysed in detail in the report submitted to the mandate in 2021 by eight Brazilian civil society organisations<sup>9</sup>, since the early 2010s, the country has been

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<sup>3</sup> Between 2016 and 2018, the Minas Gerais police force issued 105 police reports involving LGBT persons: 65 involving transsexuals and travestis, 33 involving gay men, 10 involving lesbians and 1 mentioning bisexuality. Prado, Marco A. M. et al. (2020), "*Registros de Homicídios Envolvendo LGBTs no Estado de Minas Gerais*", Belo Horizonte: NUH/UFMG and CAO-DH/MPMG. Available at: <https://www.nuhufmg.com.br/wp-content/uploads/2023/10/RELATORIO-REDS-2020.pdf>. Accessed 30 January 2024.

<sup>4</sup> Fórum Brasileiro de Segurança Pública (2023), "*Anuário Brasileiro de Segurança Pública*", São Paulo: FBSP. Available at: <https://forumseguranca.org.br/wp-content/uploads/2023/07/anuario-2023.pdf?data=160124>. Accessed 29 January 2024.

<sup>5</sup> Vasconcelos, Nádia M. et al. (2023), "*Violência contra pessoas LGB+ no Brasil: análise da Pesquisa Nacional de Saúde 2019*", *Revista Brasileira de Epidemiologia*, 26 (Suppl 1): e230005.supl.1.

<sup>6</sup> Fórum Brasileiro de Segurança Pública (2023), Op cit. p. 106.

<sup>7</sup> Possa, Julia (2023). 65% da população LGBT teme andar de mãos dadas por violência no Brasil, diz estudo, *Giz*, 03 June 2023. Available at: <https://gizmodo.uol.com.br/65-da-populacao-lgbt-teme-andar-de-maos-dadas-por-violencia-no-brasil-diz-estudo/>. Accessed 17 January 2024.

<sup>8</sup> Benevides, Bruna G. (2024), "*Dossiê Assassinatos e Violências contra Travestis e Transexuais Brasileiras em 2023*", Brasília: ANTRA. Available at: <https://antrabrasil.files.wordpress.com/2024/01/dossieantra2024-web.pdf>. Accessed 30 January 2024.

<sup>9</sup> ABIA-SPW, ABGLT, Ação Educativa, ANTRA, Conectas, CLADEM-Brasil and IPAS (2022). The report can be accessed at: <https://sxpolitics.org/wp-content/uploads/2022/02/Brazilian-Submission-IE-SOGIHuman-Rights.pdf>.

ravaged by anti-gender crusades. Then, from 2019 to 2022, the anti-gender ideology was translated into State grammar and public policies during the four years of the Bolsonaro administration.<sup>10</sup> Such conditions have also quite evidently enabled direct or indirect violations of the rights to freedom of expression, association, and reunion of LGBTI+ persons. This submission maps out how political and legal attacks on gender and sexuality in various domains thwart the enjoyment of these freedoms in Brazil.

## **II. Education as a key domain of violations**

### **a. Prohibition of “gender ideology” in education policy**

The anti-gender offensive in Brazil is intertwined with statecraft and is considered to be one of the most intense in the world, undertaken through many pathways such as semantic hygienisation and ideologic policing.<sup>11</sup> Education was the first target of the anti-gender crusade, whose spread and success are highly attributable to its plasticity and adaptability.<sup>12</sup> These characteristics translate into many fronts in which anti-gender policies manifest, such as the attempt to prohibit “gender ideology” in education policy.

The accusatory category “gender ideology” began circulating in Brazil in 2003, but ten years would elapse before it became a main tool mobilised by ultra-conservative religious forces against the curricula on gender and education in the 2014-2024 National Education Plan (NEP), as an overarching perspective encompassing promotion of gender equality and sexuality education, and within it respect to gender and sexual diversity. The NEP attack became a turning point to

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<sup>10</sup> Interview: The anti-gender offensive as state policy, *Conectas*, 07 March 2020. Available at: <https://www.conectas.org/en/noticias/interview-the-anti-gender-offensive-as-state-policy/>. Accessed on 17 January 2024. Accessed 17 January 2024.

<sup>11</sup> Corrêa, Sonia and Marco A. M. Prado (2022), “Ideologia antigênero nas políticas educacionais brasileiras: estatização e transnacionalidade”, in Carreira, D. and B. Lopes (ed.), *Gênero e Educação: ofensivas reacionárias, resistências democráticas e anúncios pelo direito humano à educação* (p. 45-52), São Paulo: Ação Educativa.

<sup>12</sup> Corrêa, Sonia, David Paternotte and Claire House (2023), “Dr Frankenstein’s hydra: Contours, meanings and effects of anti-gender politics”, in Aggleton, Peter et al. (ed.), *Routledge Handbook of Sexuality, Gender, Health and Rights* (p. 484-493), 2nd ed., London: Routledge.

the anti-gender offensive<sup>13</sup> and inaugurated the wars on gender in Brazil. These wars on gender are undertaken not only by conservative and religious stakeholders, but also by anti-trans feminists who, by gatekeeping the concept of womanhood, perpetuate exclusionary views of gender, including to the detriment of cisgender persons.<sup>14</sup> Bruna Benevides has reported a growth in the alliances between anti-trans feminists, religious extremists, and the far right.<sup>15</sup>

Five years later, “gender ideology” flared high in the 2018 presidential election that elected Jair Bolsonaro, when it was directly associated with the so-called “gay kit”<sup>16</sup> as the 2011 “Schools Without Homophobia” national program had been pejoratively named by its ultra-conservative opponents. Not surprisingly, in his inaugural speech, Bolsonaro made an open commitment to fighting and eradicating “gender ideology”<sup>17</sup>. It is worth noting that the “gay kit” phantasmagory

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<sup>13</sup> Prado, Marco A. M., João G. Maracci and Igor R. L. Monteiro (2021), “Governamentalidades e Depurações Hierárquicas dos Direitos Humanos no Brasil: A Educação Pública e a População LGBT+”, *Arquivos Analíticos de Políticas Educativas*, 29(148): 01-25. Available at: <https://epaa.asu.edu/index.php/epaa/article/view/6119>. Accessed 26 January 2024.

<sup>14</sup> For example, in 2022, a lesbian woman was assaulted in São Paulo after being mistaken for a man (<https://revistaladoa.com.br/2022/04/noticias/lesbica-e-agredida-em-banheiro-do-metro-de-sp-apos-ser-confundida-com-homem/>), and in 2023, a cisgender woman was prevented from using a restroom and was inappropriately touched by a security guard (<https://pheeno.com.br/2023/02/confundida-com-trans-mulher-cis-tem-genitalia-tocada-por-seguranc-a-ao-tentar-utilizar-banheiro-feminino-da-viradouro-2/>). See generally Benevides (2024), Op. cit.

<sup>15</sup> Benevides, Bruna G. (2021), “A epidemia crescente de Transfobia nos Feminismos”, *Sexuality Policy Watch*, 19 August 2021. Available at: <https://sxpolitics.org/ptbr/a-epidemia-crescente-de-transfobia-nos-feminismos/12022>. Accessed 30 January 2024.

<sup>16</sup> On the political use of the “gay kit” in relation to anti-gender policies and the regression of democratic spaces, see Maracci, João Gabriel and Paula S. Machado (2022), “Kit gay: Mapeando controvérsias nas redes de uma ofensiva antigênero”, *Revista Psicologia Política*, 22(53): 37-51. Available at: <http://pepsic.bvsalud.org/pdf/rpp/v22n53/v22n53a04.pdf>. Accessed on 25 January 2024; Maranhão Filho, Eduardo M. A., Fernanda M. F. Coelho and Tainah B. Dias (2018), ““Fake news acima de tudo, fake news acima de todos”: Bolsonaro e o “kit gay”, “ideologia de gênero e fim da “família tradicional””, *Correlatio*, 17(2): 65-90. Available at: <https://www.metodista.br/revistas/revistas-metodista/index.php/COR/article/view/9299>. Accessed 25 January 2024.

<sup>17</sup> RFI (2019), “Posse de Bolsonaro é marcada por mal-estar com jornalistas”, *Carta Capital*, 01 January 2019. Available at: <https://www.cartacapital.com.br/politica/posse-de-bolsonaro-e-marcada-por-mal-estar-com-jornalistas/>. Accessed 18 January 2024.

propagated during the 2018 elections would be subsequently qualified as misinformation by the Superior Electoral Court.<sup>18</sup>

The Brazilian Supreme Court had the opportunity to rule out as unconstitutional several state laws that endorsed the "Free School Programme" (also known as Escola sem Partido). Some of the arguments used on the ruling precisely concern the violation of the full and emancipatory scope of the right to education conferred on it by the Constitution due to the suppression of entire domains of knowledge from the school universe proposed by the Programme. In addition, some of the laws contained "generic prohibitions on behaviour which, on the pretext of preventing the indoctrination of pupils, could lead to the persecution of teachers who do not share the dominant views, with the risk of selective application of the law for persecutory purposes" (ADI 5537).<sup>19</sup>

In their 2022 report, Human Rights Watch (HRW) mapped out 217 legislative and political attempts to suppress and ban gender and sexuality education in primary and secondary public schools in Brazil.<sup>20</sup> The research revealed teachers became hesitant and fearful and were harassed by elected officials and community members as a result of attempting to promote gender and sexuality education in schools. Fear, harassment, and pressure also lead LGBTI+ students to feel unsafe and eventually drop out of schools.<sup>21</sup> The anti-gender

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<sup>18</sup> TSE diz que "kit gay" não existiu e proíbe Bolsonaro de disseminar notícia falsa, *Congresso em Foco*, 16 October 2018. Available at: <https://congressoemfoco.uol.com.br/area/pais/tse-diz-que-kit-gay-nao-existiu-e-proibe-bolsonaro-de-disseminar-noticia-falsa/>. Accessed 18 January 2024.

<sup>19</sup> ABIA; Ação Educativa; Gênero e Educação; ABGLT; ANTRA; CLADEM-Brasil; CONECTAS; NUH/UFGM; IPAS (2022), *"Ofensivas Antigênero no Brasil: políticas de Estado, legislação, mobilização social"*. Available at: <https://sxpolitics.org/ptbr/wp-content/uploads/sites/2/2021/10/E-book-SOGI-21102021.pdf>. Accessed 30 January 2024.

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<sup>20</sup> Human Rights Watch (2022), *"I Became Scared, This Was Their Goal": Efforts to Ban Gender and Sexuality Education in Brazil*. Available at: [https://www.hrw.org/sites/default/files/media\\_2022/05/brazil\\_lgbt0522\\_web.pdf](https://www.hrw.org/sites/default/files/media_2022/05/brazil_lgbt0522_web.pdf). Accessed 29 January 2024.

<sup>21</sup> ABGLT et al. (2016), *"Pesquisa Nacional sobre o Ambiente Educacional no Brasil 2016"*, Curitiba, ABGLT. Available at: <https://www.grupodignidade.org.br/wp-content/uploads/2016/03/IAE-Brasil-Web-3-1.pdf>. Accessed 29 January 2024; Ferreira, paula and Renato Grandelle (2017), "Violência relacionada a identidade de gênero e orientação sexual faz alunos abandonarem escola", *O Globo*, 31 May 2017. Available at:

atmospheres “nefariously impact the school environment”, affecting “the relationship between teachers and students or between schools and families”.<sup>22</sup> In 2023, out of the 293 anti-trans bills proposed throughout the country, 57 were related to education.<sup>23</sup>

In addition, during Bolsonaro’s administration, the federal government, through its Human Rights Ministry, politically co-opted the human rights violations hotline (*Disque DH*) by listing “gender ideology” as reasoning in institutional violence complaints. As a result, at least two teachers and a school were investigated by the police after complaints reported they were propagating “ideologies” such as gender and communism.<sup>24</sup> The Brazilian Supreme Court is currently discussing the misuse of the *Disque DH* in ADPF 942, decision pending.

## **b. Homeschooling**

In 2018, in his electoral campaign, former president Jair Bolsonaro promised to legalise homeschooling and expand civic-military schools.<sup>25</sup> As the 2021 reports note, after he reached power, the crusade against gender in education escalated but also derived into investments into these new modalities of education. homeschooling and the expansion of civic-military schools. Before that, in 2018, the Brazilian Supreme Federal Court issued a decision on a case brought by homeschooling advocates. The court considered homeschooling to be constitutional, but required legal regulation. This decision was made on the basis that the Brazilian Constitution does not expressly prohibit homeschooling, but it

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<https://oglobo.globo.com/brasil/educacao/violencia-relacionada-identidade-de-genero-orientacao-sexual-faz-alunos-abandonarem-escola-21415872>. Accessed 29 January 2024.

<sup>22</sup> ABIA-SPW et al. (2022), Op. cit. p. 16.

<sup>23</sup> Avelar, Dani (2024), “Brasil tem pelo menos 77 leis antitrans em vigor em 18 estados”, *Folha de São Paulo*, 28 January 2024. Available at: <https://www1.folha.uol.com.br/cotidiano/2024/01/brasil-tem-pelo-menos-77-leis-antitrans-em-vigor-em-18-estados.shtml>. Accessed 29 January 2024.

<sup>24</sup> Sexuality Policy Watch (2021), “‘Ideologia de gênero’ como violação dos direitos humanos: justificativa para arbítrio foi instalada no Disque 100”, 20 December 2021. Available at: <https://sxpolitics.org/ptbr/ideologia-de-genero-como-violacao-dos-direitos-humanos-justificativa-para-arbitrio-instalada-no-disque-100/12360>. Accessed 29 January 2024.

<sup>25</sup> Vinhal, Gabriela and Ana Bimbatí (2022), “Em vitória do governo Bolsonaro, ensino domiciliar é aprovado na Câmara”, *UOL*, 18 May 2022. Available at: <https://educacao.uol.com.br/noticias/2022/05/18/em-vitoria-do-governo-bolsonaro-ensino-domiciliar-e-aprovado-na-camara.htm>. Accessed 17 January 2024.

does prohibit any kind of educational model that does not respect the duty of solidarity between the family and the state as the main pillar for the educational formation of children and adolescents. On the other hand, radical unschooling, moderate unschooling, and total homeschooling, in any of their variations, are therefore unconstitutional.

This has opened the ground for homeschooling advocates to propose a law to attain its regulation/legitimation. The Brazilian politics of homeschooling was directly influenced by U.S. activism that, as shown by an Open Democracy article, goes as far as to propose physical punishment as a justified educational pedagogy<sup>26</sup>. Similar to what happened in the United States, the 'unschooling' agenda aims to ensure strict parental control over educational content offered to children and adolescents.<sup>27</sup> But homeschooling ideology also encompasses the promotion of an absolutist conception of freedom of religion, which in many aspects also serves to discriminate and exclude queer persons and identities, as it restricts viewpoints and opinions relating to gender and sexuality.<sup>28</sup> Furthermore, homeschooling also opened the ground to open public education to the 'Christian market',<sup>29</sup> furthering the neo-liberalisation and marketisation of education. In 2021, the law provision legalising homeschooling was partially approved at the House. Presently, it is pending final approval by the Senate.

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<sup>26</sup> Souza, Alice de et al. (2022), "Spank your children, Brazil's homeschooling industry tells your parents", *Open Democracy*, 18 July 2022. Available at: <https://www.opendemocracy.net/en/5050/homeschooling-brazil-corporal-punishment-spank-aned-hslda/>. Accessed 26 January 2024.

<sup>27</sup> Sales, Fernando R. (2023). Ensino domiciliar enquanto bandeira política do conservadorismo na educação, *Nexo Jornal*, 28 December 2023. Available at: <https://pp.nexojornal.com.br/opiniao/2021/Ensino-domiciliar-enquanto-bandeira-pol%C3%ADtica-d-o-conservadorismo-na-educa%C3%A7%C3%A3o>. Accessed 17 January 2024.

<sup>28</sup> Moreira, Helce A., Fernanda Moura & Pedro Teixeira (2022), "Homeschooling, ensino de controvérsias e o novo conservadorismo brasileiro", *Cadernos de Pesquisa*, 52: e09693. Available at: <https://www.scielo.br/j/cp/a/W6SQyMyKwG6SfzKbLVbsWHQ/#>. Accessed on 17 January 2024; Cecchetti, Elcio & Anderson L. Tedesco (2020), "Educação Básica em "xeque": Homeschooling e fundamentalismo religioso em tempos de neoconservadorismo", *Práxis Educativa*, 15: e2014816. Available at: <https://www.redalyc.org/journal/894/89462860027/html/>. Accessed 17 January 2024.

<sup>29</sup> Gussen, Ana Flávia (2021). A quem interessa o homeschooling?, *Carta Capital*, 21 June 2021. Available at: <https://www.cartacapital.com.br/educacao/a-quem-interessa-o-homeschooling/>. Accessed 17 January 2024.



Considering the great social inequality in Brazil, as well as high rates of school drop-outs, the Brazilian state has a duty to evaluate and monitor, not only pedagogically, but also in terms of the socialisation and coexistence of children and adolescents with the community, which is what guided the decision of the Brazilian Supreme Court.

### III. Conversion therapy

There is no Brazilian legislation in force that expressly prohibits conversion therapy,<sup>30</sup> which seeks to “cure” homo-trans characteristics. The Federal Psychology Council has passed Resolution no. 01/99,<sup>31</sup> which is considered professionally unethical for psychologists to promote “homosexuality treatment and cure” practices. This, however, did not prevent such practices from happening: in 2019, the Brazilian constitutional court overruled a lower-level decision that allowed conversion therapy,<sup>32</sup> and in 2023, a right-wing extremist influencer committed suicide after announcing she had returned from a “spiritual retreat” and “renounced the homosexual way”.<sup>33</sup> These are symptoms of a larger context in which conversion therapies still occur throughout the country and are “still thriving”.<sup>34</sup> Homo-trans “correction” may also take place in religious and “therapeutic” communities, which in recent years have received financing from the

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<sup>30</sup> Congresswoman Erika Hilton has recently proposed a bill to criminalise conversion therapy under torture: Silva, Camila (2023), “Após a morte de Karol Eller, Erika Hilton propõe lei para equiparar ‘cura gay’ ao crime de tortura”, *Carta Capital*, 18 October 2023. Available at: <https://www.cartacapital.com.br/politica/apos-a-morte-de-karol-eller-erika-hilton-propoe-lei-para-equiparar-cura-gay-ao-crime-de-tortura/>. Accessed 25 January 2024.

<sup>31</sup> Available at: [https://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999\\_1.pdf](https://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf).

<sup>32</sup> Farias, Victor (2019), “Ministra do STF suspende decisão que permitia terapia de ‘cura gay’”, *O Globo*, 24 April 2019. Available at: <https://oglobo.globo.com/brasil/ministra-do-stf-suspende-decisao-que-permitia-terapia-da-cura-gay-23618721>. Accessed 18 January 2024.

<sup>33</sup> Hailer, Marcelo (2023), “‘Cura gay’: termo viraliza nas redes após morte de bolsonarista LGBT”, *Fórum*, 13 October 2023. Available at: <https://revistaforum.com.br/lgbt/2023/10/13/cura-gay-termo-viraliza-nas-redes-apos-morte-de-bolsonarista-lgbt-145777.html>. Accessed 18 January 2024.

<sup>34</sup> Gorázar, Naiara G. (2023), “Conversion therapy is still thriving in Brazil”, *El País*, 05 November 2023. Available at: <https://english.elpais.com/international/2023-11-05/conversion-therapy-is-still-thriving-in-brazil.html>. Accessed 25 January 2024.

Brazilian healthcare system.<sup>35</sup> In fact, Brazilian conversion therapy groups and organisations are usually run by Catholic/evangelical leaders and connected to churches.<sup>36</sup>

All Out and Instituto Matizes have identified 26 ways used to "correct" the sexualities and gender identities of LGBTI+ people in Brazil, including "curing", "reversing", exorcising and physically punishing.<sup>37</sup> This research has identified that sexuality/gender identity "correction" particularly affects children.<sup>38</sup> Conversion therapy, as well as other means of queer "correction" in an attempt to regulate gender and sexuality,<sup>39</sup> are directly related to the (re)pathologization of homosexual and trans identities.<sup>40</sup>

#### **IV. Drafting of anti-LGBTI+ bills: prohibition of same-gender marriage and the participation of children in Pride parades**

In September 2023, the Lower House of Representatives has initiated debating Bill no. 580/2007 that aims to prohibit same-gender marriages, despite a 2011 decision by the Brazilian constitutional court declaring that marriages between persons of the same gender were in line with the Constitution (in the case of ADI

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<sup>35</sup> Prado, Marco A. M. and Isabela S. Queiroz (2020), "Sexualidades, drogas e religião: práticas atualizadas da "cura gay" no Brasil", in R. Facchini and I. França (ed.), *Direitos em disputa: LGBTI+, poder e diferença no Brasil contemporâneo* (p. 217-239), Campinas: Editora da Unicamp.

<sup>36</sup> GPAHE (2023), "Conversion Therapy Online: The Ecosystem In 2023". Available at: <https://globalextrémism.org/reports/conversion-therapy-online-the-ecosystem-in-2023/>. Accessed 29 January 2024.

<sup>37</sup> Fróes, Anelise, Lucas Bulgarelli and Arthur Fontgaland (2022), "Between 'cures' and 'therapies': efforts to 'correct' sexual orientation and gender identity of LGBTI+ people in Brazil", São Paulo: All Out and Instituto Matizes. Available at: [https://institutomatizes.com.br/wp-content/uploads/2022/10/All\\_Out\\_Instituto\\_Matizes\\_Between\\_Cures\\_And\\_Therapies\\_Complete.pdf](https://institutomatizes.com.br/wp-content/uploads/2022/10/All_Out_Instituto_Matizes_Between_Cures_And_Therapies_Complete.pdf). Accessed 25 January 2024.

<sup>38</sup> Ibid.

<sup>39</sup> Prado, Marco A. M. and Igor R. L. Monteiro (2019), "Psicologia, práticas Psi e perspectiva Queer: algumas questões em torno das 'terapias' identitárias", in D. Ferrão, L.H. Carvalho and T. Coacci (ed.), *Psicologia, gênero e diversidade sexual: saberes em diálogo* (p. 137-174), Belo Horizonte: CRP04.

<sup>40</sup> Garcia, Marcos R. V. and Amana R. Mattos (2019), "'Terapias de Conversão': Histórico da (Des)Patologização das Homossexualidades e Embates Jurídicos Contemporâneos", *Psicologia: Ciência e Profissão*, 39(3): 49-61. Available at: <https://www.scielo.br/j/pcp/a/zksLGXhzsLFVppDN5SvgyXP/>. Accessed 25 January 2024.

4277). Before voting, the Bill must be approved by the House's minor commissions (welfare and social aid, human rights, minorities and racial equality, and constitution, justice, and citizenship commissions). In October, the House's welfare and social aid commission voted favourably and passed the Bill.<sup>41</sup> Religious and conservative politicians keep on pressuring and advancing Bill no. 580 despite its unconstitutionality.

Also, in 2023, municipal, state, and federal legal initiatives were proposed to prohibit children from participating in Pride parades. A bill has already been approved by the João Pessoa House of Councilors,<sup>42</sup> and other similar bills are currently in discussion in the House of Councilors of Curitiba<sup>43</sup> and São Paulo<sup>44</sup> and also in the Legislative Chamber of the Federal District.<sup>45</sup> The Amazonas state has also passed a bill with the same content, which is currently an object of a dispute before the Brazilian constitutional court.<sup>46</sup>

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<sup>41</sup> Amorozo, Marcos (2023), "Comissão da Câmara aprova projeto de lei que proíbe casamento homoafetivo", *CNN Brasil*, 10 de outubro de 2023. Available at: <https://www.cnnbrasil.com.br/politica/comissao-da-camara-aprova-projeto-de-lei-que-proibe-casamento-homoafetivo/>. Accessed 18 January 2024.

<sup>42</sup> Madeiro, Carlos (2023), "Lei que veta criança em parada LGBTQIA+ é aprovada em João Pessoa; MP reage", *UOL*, 08 December 2023. Available at: <https://noticias.uol.com.br/colunas/carlos-madeiro/2023/11/08/camara-de-joao-pessoa-aprova-lei-que-proibe-criancas-em-paradas-lgbtqia.htm>. Accessed 19 January 2024.

<sup>43</sup> "Deputado Ricardo Arruda (PL) protocola projeto que proíbe participação de crianças e adolescentes nas paradas de orgulho LGBTQIA+ no Paraná", *Assembleia Legislativa do Estado do Paraná*, 20 June 2023. Available at: <https://www.assembleia.pr.leg.br/comunicacao/noticias/deputado-ricardo-arruda-pl-protocola-projeto-que-proibe-participacao-de-criancas-e-adolescentes>. Accessed 25 January 2024.

<sup>44</sup> Pereira, Júlia (2023), "Deputados querem proibir participação de crianças e adolescentes em paradas LGBTQIA+", *Terra*, 16 June 2023. Available at: <https://www.terra.com.br/nos/paradasp/deputados-querem-proibir-participacao-de-criancas-e-adolescentes-em-paradas-lgbtqia,0f7207f15728f3f872e28c6f305839b99xjtn7w.html>. Accessed 19 January 2024.

<sup>45</sup> Rios, Alan (2023), "Deputados querem proibir pais de levarem crianças a paradas LGBTQIA+", *Metrópoles*, 08 November 2023. Available at: <https://www.metropoles.com/distrito-federal/proibir-criancas-paradas-lgbtqia>. Accessed 19 January 2024.

<sup>46</sup> "Lei do AM que proíbe crianças em Paradas LGBTI+ é questionada no STF", *Migalhas*, 09 January 2024. Available at: <https://www.migalhas.com.br/quentes/400077/lei-do-am-que-proibe-criancas-em-paradas-lgbti-e-questionada-no-stf>. Accessed 19 January 2024.

These are two examples of how ultra-conservative politicians at federal, state, and municipal levels are engaged in drafting anti-LGBTI+ bills, many unconstitutional from the onset. In 2023, trans journalist Dani Avelar identified how transphobic bill propositions were on a rise, up to a new one every day, and could potentially worsen due to the proliferation of transphobic political discourse.<sup>47</sup> There are at least 77 municipal and state anti-trans laws currently in force, with more than two-thirds of them coming into force last year, and 293 anti-trans bills proposed in 2023 alone.<sup>48</sup> This legal offensive against LGBTI+ identities, coupled with an intentional tardiness regarding the analysis of queer protection bills,<sup>49</sup> fosters a context in which specific legal protection of LGBTI+ persons is weakened, if not virtually absent.

In light of the provided information, we hope to have helped the IE to reflect and assess how violence and discrimination based on sexual orientation and gender identity are related to the human rights to the freedom of expression, association, and reunion.

As we hope to demonstrate with this input, these rights are often hindered by conservative and religious stakeholders that discriminate against queer persons due to economic and political reasons, but mainly because of social and moral beliefs. Considering the close involvement of the Christian Church in State matters, especially, but not exclusively, during Jair Bolsonaro's term, LGBTI+ rights are endangered by conservative and extremist forces that aim to keep this population away from citizenship and rights enjoyment. These discriminatory actions and omissions undertaken by conservative stakeholders against the LGBTI+ population

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<sup>47</sup> Avelar, Dani (2023), "Brasil tem um novo projeto de lei antitrans por dia, e 'efeito Nikolas' preocupa'", *Folha de São Paulo*, 20 March 2023. Available at: <https://www1.folha.uol.com.br/poder/2023/03/brasil-tem-um-novo-projeto-de-lei-antitrans-por-dia-e-efeito-nikolas-preocupa.shtml>. Accessed 26 January 2024.

<sup>48</sup> Avelar (2024), Op cit.

<sup>49</sup> Amorim, Felipe (2019), "Projetos que criminalizam homofobia empacam no Congresso desde 2001", *UOL*, 19 February 2019. Available at: <https://noticias.uol.com.br/politica/ultimas-noticias/2019/02/19/projetos-que-criminalizam-homofobia-empacam-no-congresso-desde-2001.htm>. Accessed 26 January 2024; Brito, Débora, "Projetos sobre direitos LGBT caducam sem análise no Congresso", *JOTA*, 28 June 2011. Available at: <https://www.jota.info/legislativo/projetos-sobre-direitos-lgbt-caducam-sem-analise-no-congresso-28062021>. Accessed 26 January 2024.

lead to direct and indirect human rights violations, including the rights to freedom of expression, association, and reunion.

We are looking forward to the IE SOGI's report, and we thank the opportunity to contribute to the mandate.

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